



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
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ATLANTA, GEORGIA 30303-8960

JUN 14 1999

VIA FACSIMILE and  
MAIL

Sharon Worley, Project Manager  
Louisville and Jefferson County Metropolitan Sewer District  
700 West Liberty Street  
Louisville, KY 40203-1911

SUBJ: MSD Louisville Project XL proposal

Dear Ms. Worley:

Thank you for your proposal submitted in March, 1999. Your ideas for the Louisville and Jefferson County Metropolitan Sewer District project include many interesting possibilities in the areas of pollution prevention and superior environmental performance. Overall, the response from EPA's team of reviewers has been very positive. As we have previously discussed, EPA has identified some areas where additional information would be helpful and where clarification is necessary to complete your application. In addition, we would like to provide comments on other possible improvements to the XL proposal.

Comments and suggestions you were previously sent in draft form have been collated and are included as an enclosure to this letter. As we agreed in a teleconference, you will be providing a revised proposal in response to these comments on July 5, 1999. Please feel free to call me if you need any assistance in responding to the comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Melinda Greene", is written over a horizontal line.

Melinda Mallard Greene  
Project XL Lead

Enclosure

cc: EPA Project Team

## **Louisville MSD Project XL Proposal EPA Comments**

### General Comments

- The MSD proposal should include more detailed information in the Monitoring, Reporting, and Evaluation section (Section G). Most of the accountability and enforceable/voluntary commitment section defers development of specific information to a future date. Any final judgement as to the merits of this component of the proposal is not possible until specific commitments are fully discussed by the sponsor.
- A consideration for the implementation phase of this project is the timing of the Pre-Treatment Streamlining Rule versus the time-table for undertaking a site-specific rule-making for the MSD project.
- Alternative regulatory relief discussions in the proposal should be more specific. An XL project will generally seek to establish an alternative legal requirement or standard to an existing regulatory requirement. The proposal postpones specific requests for regulatory relief until after the start of project implementation. An up-front analysis and request for specific relief should be part of the draft proposal.
- The proposal should expand the Superior Environmental Performance (SEP) discussion. More information on base-line activities versus SEP commitments should be included in the proposal. The proposal defers any commitment to SEP until further information is gathered.

### Significant Non-Compliance Definition

- As a regulatory revision component of its XL project, MSD proposes to modify the definition of Significant Non-Compliance (SNC). As you know, EPA is currently seeking comment on a number of alternatives for SNC under the Pre-Treatment Streamlining Rule, on which we do not yet have clear positions--and will not until after we address public comments. In the MSD XL proposal, the sponsors request total flexibility in defining SNC and specifically list changing the late reporting criteria and Technical Review Criteria (TRC). Without specific information as to how MSD intends to apply local determinations of what constitutes SNC, it is difficult to fully assess the impact of a revision to the definition. EPA will further comment once MSD develops their specific SNC definition.

### Enforcement Screening

- MSD should consider the potential need for enforcement screening for Industrial Users participating in the project. The screening criteria should be developed as soon as possible and be included in the FPA negotiations.

### Commitments

- MSD should attempt to specify pollutant loading reductions in its Aspirations.

### Requested Flexibility

- In the last requested flexibility, it is more appropriate to state that Best Management Practices can be a type of local limit used in permits.